

Obligated But Unused ESSER I or GEER I Equitable Services Funds

Several States have asked if a local educational agency (LEA) may use, for valid obligations incurred on or before September 30, 2022, funds under the Coronavirus Aid, Recovery, and Economic Security (CARES) Act that it reserved for equitable services but, based on consultation, were not needed to meet the needs of non-public school students or educators.

Under the CARES Act, each LEA was required to provide equitable services from funds received under the Elementary and Secondary School Emergency Relief (ESSER I) and Governor's Emergency Education Relief (GEER I) Funds in the same manner as provided under section 1117 of the Elementary and Secondary Education Act of 1965 (ESEA). Consistent with these requirements, an LEA was required to contact officials in all non-public schools in the LEA to notify them of the opportunity for their students and teachers to obtain equitable services under the CARES Act program(s). If a non-public school declined to participate in the CARES Act program(s) or did not respond to the LEA's good faith effort to offer services, the LEA had no further responsibility to provide equitable services to students or teachers in that school and any eligible students in the school did not generate funds for the proportional share available for equitable services.

For non-public schools that elected to participate in equitable services under the CARES Act, the associated LEA was required to consult with those non-public schools on relevant issues, such as how the proportional share for services would be determined, the needs of the non-public school students and teachers, and how the CARES Act program(s) could meet those needs. There may be instances in which an LEA provided equitable services to students and teachers in a non-public school as determined through consultation with non-public school officials, but CARES Act funds remain available (e.g., because some services cost less than expected or a school ultimately declined services). In these cases, the LEA may use the remaining funds for allowable CARES Act expenses in the LEA's public schools if such expenses were properly obligated by the end of the ESSER I or GEER I obligation period (i.e., September 30, 2022). The LEA would execute the appropriate accounting adjustments to reflect properly obligated costs to access the unused CARES Act funds originally reserved for the provision of equitable services, provided such adjustments are consistent with State and local accounting requirements and policies.

ESSER I or GEER I funds that an LEA set aside for equitable services for non-public school students that an LEA cannot use, or for which an LEA cannot make accounting adjustments for valid obligations that were incurred by the September 30, 2022, deadline, will be returned to the U.S. Treasury.